



**U.S. Department of Justice**

**Environment and Natural Resources Division**

BSG:AML  
DJ No. 90-11-3-1620/2

Environmental Enforcement Section  
P.O. Box 7611 Telephone: (202) 514-4213  
Washington, D.C. 20044-7611 Facsimile: (202) 616-6584

June 26, 2002

**VIA TELECOPY AND REGULAR MAIL**

**EPA Region 5 Records Ctr.**



**274487**

Jonathon Conte, Esq.  
Blank Rome Comisky & McCauley LLP  
PNC Center  
201 E. Fifth St., Suite 1700  
Cincinnati, OH 45202

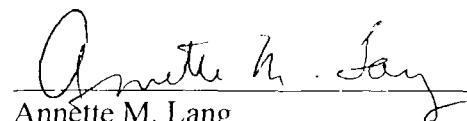
Re: United States v. Aeronca, Inc. et al.  
Civil Action No. 1:01 CV 00439  
CII's Articles of Incorporation

Dear Jonathon:

I have enclosed a copy of a certified copy of the Articles of Incorporation of Clarke Incinerators, Inc. Because I could not locate a copy of these Articles in your client's response to either EPA's 104(e) request or the United States' discovery requests, I arranged to have the Articles retrieved from the Secretary of State's office. If you have any objection to the use of these Articles either in discovery or for trial purposes, please advise me immediately.

Thank you for your prompt attention to the matters raised herein.

Sincerely,

  
Annette M. Lang  
Trial Attorney

cc: Skinner Service List

B522 993

RECEIPT AND CERTIFICATE N<sup>o</sup> 7062

CLARKE'S INCINERATORS INCORPORATED

NAME

364775

NUMBER

DOMESTIC CORPORATIONS

✓ ARTICLES OF INCORPORATION  
AMENDMENT  
MERGER CONSOLIDATION  
DISSOLUTION  
AGENT  
RE-INSTATEMENT  
CERTIFICATES OF CONTINUED  
EXISTENCE  
MISCELLANEOUS

FOREIGN CORPORATIONS

LICENSE  
AMENDMENT  
SURRENDER OF LICENSE  
APPOINTMENT OF AGENT  
CHANGE OF ADDRESS OF AGENT  
CHANGE OF PRINCIPAL OFFICE  
RE-INSTATEMENT  
FORM 7  
PENALTY

MISCELLANEOUS FILINGS

ANNEXATION INCORPORATION—CITY  
OR VILLAGE  
RESERVATION OF CORPORATE NAMES  
REGISTRATION OF NAME  
REGISTRATIC<sup>n</sup>: OF NAME RENEWALS  
REGISTRATION OF NAME—CHANGE  
OF REGISTRANTS ADDRESS  
TRADE MARK  
TRADE MARK RENEWAL  
SERVICE MARK  
SERVICE MARK RENEWAL  
MARK OF OWNERSHIP  
MARK OF OWNERSHIP RENEWAL  
EQUIPMENT CONTRACT/CHattel  
MORTGAGE  
POWER OF ATTORNEY  
SERVICE OF PROCESS  
MISCELLANEOUS  
ASSIGNMENT—TRADE MARK, MARK  
OF OWNERSHIP, SERVICE MARK,  
REGISTRATION OF NAME

I certify that the attached document was received and filed in the office of TED W. BROWN, Secretary of State, at Columbus, Ohio, on the 26th day of Sept. 67, A. D. 1967, and recorded on Roll B522 at Frame 993 of the RECORDS OF INCORPORATION and MISCELLANEOUS FILINGS.

*Ted W. Brown*

TED W. BROWN,  
Secretary of State

Filed by and Returned To Brooks, Kelly & Barron  
2109 Central Trust Tower, Fourth and Vine Sts.  
Cincinnati, Ohio 45202 Attn: Norman I. Barron

FEE RECEIVED \$ 50.00

NAME CLARKE'S INCINERATORS INCORPORATED

222-20

B522 994

364725

APPROVED  
FOR FILING

By

Date

Amount

222-20

# Articles of Incorporation

— OF —

## CLARKE'S INCINERATORS INCORPORATED

(Name of Corporation)

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, for profit, under Sections 1701.01 et seq. of the Revised Code of Ohio, do hereby certify:

FIRST. The name of said corporation shall be CLARKE'S INCINERATORS

INCORPORATED

SECOND. The place in Ohio where its principal office is to be located is 2040 East

Kemper Road, Cincinnati

Hamilton

County.

(City, Village or Township)

THIRD. The purposes for which it is formed are:

- A. To engage in the business of incinerating, burning, burying, and otherwise disposing of waste and waste materials including commercial, industrial and residential waste of every type and description.
- B. To engage in various business undertakings including but not limited to the sale and manufacture of goods and services; investments in stocks, bonds and real estate or other commercial ventures; joint enterprises and commercial developments with other business entities; and any other types of commercial ventures for profit.

The corporation reserves the right, at any time and from time to time, substantially to change its purposes, in the manner now or hereafter permitted by statute. Any change of the purposes of the corporation, authorized or approved by the holders of shares entitling them to exercise the proportion of the voting power of the corporation now or hereafter required by statute, shall be binding and conclusive upon every shareholder of the corporation as fully as if such shareholder had voted therefor; and no shareholder, notwithstanding that he may have voted against such change of purposes or may have objected in writing thereto, shall be entitled to payment of the fair cash value of his shares.

B522 995

FOURTH The number of shares which the corporation is authorized to have outstanding is

Five Hundred (500) shares which shall be classified as No Par Value  
Common Shares.

FIFTH The amount of stated capital with which the corporation shall begin business is

Five Hundred Dollars (\$ 500.00).

IN WITNESS WHEREOF, We have hereunto subscribed our names, this 18<sup>th</sup> day  
of September, 19 67

CLARKE'S INCINERATORS INCORPORATED

(Name of Corporation)

*N. I. Barron*  
Norman I. Barron

*K. F. Brooks*

Kyle F. Brooks

*J. A. Burdsall*  
Jeffrey A. Burdsall

(INCORPORATORS' NAMES SHOULD BE TYPED OR PRINTED BENEATH SIGNATURES)

N B Articles will be returned unless accompanied by form designating statutory agent See Section 1701.07  
Revised Code of Ohio.

B522 996

## Original Appointment of Agent

The undersigned, being at least a majority of the incorporators of CLARKE'S  
(Name of Corporation)  
**INCINERATORS INCORPORATED**

hereby appoint Thomas J. Clarke  
(Name of Agent)  
 a natural person resident in the county in which the corporation has its principal office, ~~a corporation~~  
~~having a business address in the county of XXXXX~~ ~~XXXXX~~

~~has its principal office~~ (strike out phrase not applicable), upon whom ~~(XXXX)~~ any process, notice or demand required or permitted by statute to be served upon the corporation may be served. His ~~(his)~~

complete address is 2040 East Kemper Road, Cincinnati  
(Street or Avenue) (City or Village)  
Hamilton County, Ohio, 45240

**AGENTS ADDRESS  
MUST BE ZIP CODED**

CLARKE'S INCINERATORS INCORPORATED  
(Name of Corporation)  
Norman I. Barron  
Kyle F. Brooks  
Jeffrey A. Burdsall  
(INCORPORATORS NAMES SHOULD BE TYPED OR PRINTED BENEATH SIGNATURES)

Cincinnati, Ohio

September 18, 19 67

**CLARKE'S INCINERATORS INCORPORATED**

(Name of Corporation)

Gentlemen: I, ~~it~~ (strike out word not applicable) hereby accept ~~of~~ appointment as agent of your corporation upon whom process, tax notices or demands may be served.

Thomas J. Clarke President  
(Signature of Agent or Name of Corporation)


By \_\_\_\_\_  
(Signature of Officer Signing and Title)

Remarks: All articles of incorporation must be accompanied by an original appointment of agent. There is no filing fee for this appointment.

# 364775 UNITED STATES OF AMERICA,  
STATE OF OHIO,  
OFFICE OF THE SECRETARY OF STATE

I, J. Kenneth Blackwell, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a true and correct copy, consisting of 4 pages, as taken from the original record now in my official custody as Secretary of State.

WITNESS my hand and official seal at Columbus, Ohio, this 25th day of June A.D. 2002



J. Kenneth Blackwell  
J. KENNETH BLACKWELL  
Secretary of State

By: K. Lipton

NOTICE: This is an official certification only when reproduced in red ink